

REMARKS

Claims 1 and 3-8 are pending in the above-identified application. Claims 1 and 3-8 were rejected. With this Amendment, claims 1, 3, 4, and 6 were amended. Accordingly, claims 1 and 3-8 remain at issue in the above-identified application.

I. Objection To Claims

The Examiner objected to Claims 1, 3, 4, and 6 because of several cosmetic informalities. Applicant has amended Claims 1, 3, 4, and 6 to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests that the objection to these claims be withdrawn.

II. 35 U.S.C. ¶ 103(a) Anticipation Rejection of Claims

Claims 1 and 3-8 were rejected under 35 U.S.C. 103(a) as being purportedly anticipated by Seiichi (JP 2000-221529) in view of Hisato et al., (JP 09106887A). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Seiichi is an improper reference under ¶ 103 and ¶ 102. For a foreign patent to qualify as a reference under ¶ 102, the international publication date of the foreign patent must precede the earliest effective priority date of this Application. This application has an earlier effective priority date of December 22, 1999 based on an earlier Japanese filing date. Seiichi, which Applicant notes was not filed in the U.S., was first published on August 11, 2000.

Response to November 4, 2003 Office Action

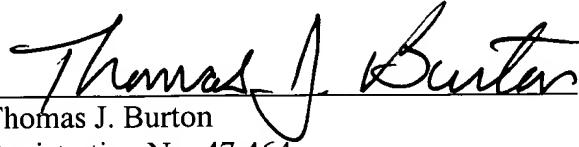
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In view of the above amendments and remarks, Applicant submits that Claims 1 and 3-8 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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